



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28661**", the original copy of which is attached hereto, was passed for publication of title on the **10th day of November, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **1st day of December, 2009**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE

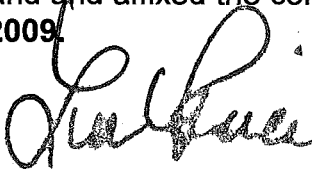
DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **1st day of January, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **2nd day of December, 2009**.

(SEAL)



LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28661

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 8.04 OF TITLE 8 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW SECTION 8.04.030 TO ALLOW FOR THE APPOINTMENT OF AN ALTERNATE INDEPENDENT POLICE AUDITOR TO ASSUME THE RESPONSIBILITIES OF THE INDEPENDENT POLICE AUDITOR WHEN THE INDEPENDENT POLICE AUDITOR HAS A CONFLICT OF INTEREST WARRANTING DISQUALIFICATION OF THE OFFICE OF THE INDEPENDENT POLICE AUDITOR

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Chapter 8.04 of Title 8 of the San José Municipal Code is amended to add a new section, to be numbered, entitled and to read as follows:

8.04.030 Conflict of Interest of the Office of the Police Auditor

- A. The police auditor may appoint or designate an alternate police auditor to assume the duties and responsibilities of the police auditor for the limited purpose of reviewing internal affairs unit investigations of complaints in which the police auditor has a conflict of interest that warrants disqualification of the office of the police auditor.
- B. The police auditor is hereby authorized to enter into and execute for and on behalf of the City, without the prior approval of the City Council, any contract:
 - 1. For the purpose specified in subsection A above; and
 - 2. Which has a maximum value of two hundred fifty thousand dollars (\$250,000.00); and

3. For which moneys have been appropriated and for which there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expense of the contract.

- C. The alternate police auditor appointed pursuant to subsection A shall have the duties and responsibilities related to the review of internal affairs unit investigations of complaints set forth in this Chapter, including but not limited to the responsibility of maintaining the confidentiality of police department records and information set forth in Section 8.04.010(E).

PASSED FOR PUBLICATION of title this 10th day of November, 2009, by the following vote:

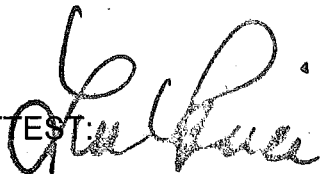
AYES: CAMPOS, CHIRCO, HERRERA, KALRA, LICCARDO,
OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CHU, CONSTANT, NGUYEN.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor